

Serial No.: 10/790,792
Docket No.: 102-1019
Amendment dated December 7, 2006
Reply to the Final Office Action of September 7, 2006

REMARKS

Claims 1, 2, 4, and 6-27 are pending in the application. Claims 23-27 have been withdrawn from consideration by the Examiner. By this Amendment, claims 1, 4, 7, 10, 15, 16, 17, and 20 are amended, and claims 3 and 5 are cancelled. In view of the following remarks, reconsideration and allowance of all of the pending claims are respectfully requested.

A. Allowable Subject Matter

Claim 5 has been indicated as being in condition for allowance.

B. §112, Second Paragraph, Rejection

Claims 7 and 15 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In particular, the Examiner asserts that the limitations "cleaning an organic material having flown in the wafer" recited in claim 7 and "cleaning an organic material having flown in the print heads" recited in claim 15 are indefinite. Furthermore, the Examiner states that "the claims cannot be further treated on the merits."

By this Amendment, claims 7 and 15 are amended for clarity. Applicants respectfully submit that claims 7 and 15 as amended are clear to one of ordinary skill in the art. Specifically, as disclosed in the present specification, the forming of the preliminary ink passage 2' on the wafer 1 and the dicing of the wafer 1 using the liquid-jet guided laser results in organic materials flowing to the surfaces of the wafer 1. One of ordinary skill in the art would understand that the limitations "cleaning an organic material having flown onto the wafer" as presently recited in claim 7 and "cleaning an organic material having flown onto the print heads" as presently recited in claim 15 refer to removing the organic material that has flown to the surface of the wafer 1 during the forming of the preliminary ink passage 2' and during the dicing of the wafer 1. Because claims 7 and 15 are clear to one of ordinary skill in the art, claims 7 and 15 satisfy the requirements of 35 U.S.C. §112, second paragraph. Thus, reconsideration and withdrawal of this rejection are respectfully requested.

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Furthermore, it is improper for the Examiner to refuse to consider claims 7 and 15 on their merits regardless of whether these claims are indefinite. See MPEP §2143.03, which states that "a claim limitation which is considered indefinite cannot be disregarded" (emphasis added). Thus, the Examiner must consider the merits of claims 7 and 15.

C. §103(a) Rejection over Richerzhagen in view of Yamamoto

Claims 1-4, 6, 9, and 16-22 are rejected under 35 U.S.C. §103(a) as being obvious over Richerzhagen (U.S. Patent No. 5,902,499) in view of Yamamoto (U.S. Patent No. 5,492,660). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that independent claims 1 and 16 are allowable, since languages of allowable 5 and intervening claim 3 have been incorporated into the independent claims 1 and 16 in the manner suggested by the Examiner. Claims 4, 17, and 20 are amended for clarification purposes. Claims 2, 4, 6, 9, and 17-22 are also allowable according to at least their dependency of the allowable claims 1 and 16, respectively. Accordingly, Applicants respectfully submit that withdrawal of the rejection and allowance of the rejected claims are earnestly solicited by the Applicants.

D. §103(a) Rejection over Richerzhagen in view of Yamamoto and Hashimoto

Claims 8 and 10-14 are rejected under 35 U.S.C. §103(a) as being obvious over Richerzhagen in view of Yamamoto and further in view of Hashimoto (U.S. Patent Application Publication No. 2004/0246292). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants respectfully submit that independent claim 10 is allowable, since languages of allowable 5 and intervening claim 3 have been incorporated into the independent claim 10 in the manner suggested by the Examiner. Claims 8 and 11-14 are also allowable according to at least their dependency of the allowable claims 1 and 10, respectively. Accordingly, Applicants respectfully submit that withdrawal of the rejection and allowance of the rejected claims are

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earnestly solicited by the Applicants.

E. Restriction Requirement

The Examiner asserts that claims 23-27, which were added by the June 28, 2006, Amendment, "are directed to an invention that is independent or distinct from the invention originally claimed" (claims 1-22). However, the Examiner provides no reasons why claims 23-27 are independent or distinct from claims – other than to merely paraphrase claim 23. In addition, the Examiner has provided no reasons why there would be a serious burden on the Examiner absent such a restriction. See MPEP §808, which requires that the Examiner provide (1) reasons for the restriction (as opposed to a summary of one of the restricted claims) and (2) reasons why there would be a serious burden without the restriction. Because the Examiner has provided neither (1) nor (2), Applicants respectfully submit that the Restriction Requirement is improper.

Furthermore, Applicants respectfully submit that the subject matter of all of claims 1-27 is sufficiently related and that a thorough search for the subject matter of claims 1-22 would necessarily encompass a search for the subject matter of claims 23-27. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803, which states that: "if the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

F. Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Final Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

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If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 502827.

Respectfully submitted,

STANZIONE & KIM, LLP

Dated: December 7, 2006
919 18th St., NW, Suite 440
Washington, DC 20006
Telephone: (202) 775-1900
Facsimile: (202) 775-1901

By: 
Seungman Kim
Registration No. 50,012